

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FRANCISCO SANTOS and WINDSOR COLEMAN,

Plaintiffs,

v.

9:23-CV-0401
(GTS/TWD)

CHERYL PARMITEL, et al.,

Defendants.

APPEARANCES:

FRANCISCO SANTOS

Plaintiff, pro se

13-A-0532

Attica Correctional Facility

Box 149

Attica, NY 14011

WINDSOR COLEMAN

Plaintiff, pro se

17-A-2958

Mid-State Correctional Facility

P.O. Box 2500

Marcy, NY 13403

GLENN T. SUDDABY

United States District Judge

DECISION AND ORDER

I. INTRODUCTION

On March 30, 2023, pro se plaintiffs Francisco Santos ("Santos") and Windsor Coleman ("Coleman") (collectively "plaintiffs") filed a complaint pursuant to 42 U.S.C. § 1983 ("Section 1983") asserting claims arising out of their confinement in the custody of the New

York State Department of Corrections and Community Supervision ("DOCCS"). Dkt. No. 1 ("Compl."). The procedural history was summarized in this Court's prior Orders and will not be restated herein. See Dkt. Nos. 5, 10, 19, 23.

On November 9, 2023, this Court issued a Decision and Order (the "November 2023 Order") directing Santos to pay the Court's filing fee of four hundred and two dollars (\$402.00) in full and submit an amended complaint within thirty (30) days of the date of the Decision and Order. Dkt. No. 23.

In November 2023 and December 2023, in lieu of the filing fee and amended pleading, Santos filed a letter request and a Notice of Change of Address. Dkt. Nos. 24 and 25. On December 13, 2023, the Court issued the following Order:

On November 9, 2023, the Court issued an Order directing plaintiff Santos to pay the Court's filing fee of four hundred and two dollars (\$402.00) in full and submit an amended complaint within thirty (30) days. Dkt. No. 23. In lieu of the filing fee and amended pleading, Plaintiff submitted a letter and Notice of Change of Address. See Dkt. Nos. 24 and 25. In light of Plaintiff's pro se status, Plaintiff is afforded **ONE FINAL** thirty-day extension to comply with the Court's November Order. Plaintiff is advised that if he fails to comply with this Order and the November 2023 Order, he will be dismissed as a party to this action, without prejudice without further order of this Court.

Dkt. No. 26 (the "December 2023 Order").

On December 18, 2023, Santos filed a Notice of Change of Address. Dkt. No. 27. Upon receipt of the Notice, the Court forwarded a copy of the December 2023 Order to Santos at his new address. Dkt. No. 28.

On January 4, 2024, Santos filed a letter request for various relief. Dkt. No. 29. Specifically, plaintiff seeks (1) to "hold[] in abeyance the time limit deadline for the plaintiff Santos' filing fee and amended complaint"; (2) to "hold[] in abeyance the time limit deadline

for the filing of plaintiff's pro se documents in opposition/response to defendants' summary judgment motion"; (2) an extension of time to file his opposition once the abeyance is lifted¹; (3) an order directing DOCCS to secure plaintiff's legal documents and personal property in "storage heavy duty plastic bin[s]" rather than property bags; and (4) an order directing DOCCS to stop "interfering with plaintiff's litigation of this action." *Id.* at 5-6.

As of the date of this Decision and Order, Santos has not complied with the November 2023 Order or the December 2023 Order.

WHEREFORE, it is hereby

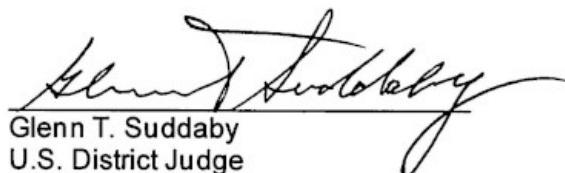
ORDERED that Santos is **DISMISSED** as a plaintiff herein for his failure to comply with the filing fee requirements for this action as set forth in the November 2023 and December 2023 Order;

ORDERED that plaintiff's letter request (Dkt. No. 29) is **DENIED**; and it is further

ORDERED that the Clerk serve a copy of this Decision and Order on plaintiffs in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

Dated: January 25, 2024



Glenn T. Suddaby
U.S. District Judge

¹ The Court notes that there is no motion for summary judgment pending in this matter. Indeed, the complaint has not yet been reviewed in accordance with 28 U.S.C. §§ 1915(e) and/or 1915A.